

REGULAR MEETING

March 8, 1993

The Regular Meeting of the Annapolis City Council was held on Monday, March 8, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:35 p.m. Alderman Hammond offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden, Turner, DeGraff, Moyer

Staff present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore

Alderman Snowden moved to approve the Minutes of 2/8/93. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to approve the Minutes of 2/22/93. Seconded. CARRIED on voice vote.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a)(1)(8), this statement is included in these minutes:

A closed session of the City Council was held at 7:03 p.m., Monday, March 8, 1993, in the City Attorney's Office.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden, Turner, DeGraff, Moyer, City Attorney Hodgson and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(1)(8). The purpose of the meeting was to consult with staff, consultants, or other individuals about pending or potential litigation for purposes of discussing the appeal from the denial of a conditional use permit by Baltimore Gas and Electric Company, Applicant v. City Council of the City of Annapolis, Circuit Court for Anne Arundel County, Case No. C-91-1009AA. The session was closed by unanimous consent. No action was taken.

ACTION ON APPLICATIONS AND APPEALS

1. **R-13-93** For the purpose of approving the application of Donald W. Taylor, ARA, NSAE to amend a previously approved multi-family conditional use to allow construction of a utility building located at the Annapolis Roads Apartment Complex on property located at Lake Heron Drive in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-13-93. Seconded. CARRIED on voice vote.

2. **R-14-93** For the purpose of approving the application of Gavin Buckley, Dennis Boyd and Edward Howlin (business owners) and Vincenzo Pasqualucci (property owner) for a conditional use to establish a coffee shop with poetry readings and acoustical instrument recitals on property located at 137 Prince George Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-14-93. Seconded. CARRIED on voice vote.

3. **R-18-93** For the purpose of approving the application of Baltimore Gas and Electric Company for a conditional use to expand its existing "Tyler Avenue Substation" located west of the Tyler Avenue-Bay Ridge intersection in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-18-93. Seconded.

Alderman Hammond moved to amend R-18-93 as follows:

On Page 3, line 9, immediately following "line" insert "and also the electromagnetic force field emanations being generated by the Cedar Park Substation at the property line of that facility."

Seconded. CARRIED on voice vote.

A ROLL CALL motion was taken on the main motion.

YEAS:	Aldermen Hammond, Johnson, Gilmer, Gray, Moyer
NAYS:	Mayor Hopkins, Aldermen Snowden, Turner, DeGraff
CARRIED:	5-4

LEGISLATIVE ACTION

1. **O-1-93** Sponsored by Alderman Gilmer

For the purpose of authorizing the issuance of peddlers and hawkers permits in certain zoning districts; and all matters related to issuance of said permits.

Alderman Snowden moved to adopt O-1-93 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-1-93 on third reading. Seconded. CARRIED on voice vote.

2. **O-3-93** Sponsored by Mayor Hopkins, Aldermen Gilmer, Snowden, Turner, DeGraff, Moyer

For the purpose of establishing that certain structural modifications to restaurants shall be exempt from the conditional use process upon certain findings by the Director of Planning and Zoning; and all matters relating to said exception.

Amendment No. 1:

Alderman Hammond moved to amend O-3-93 as follows:

On page 2, line 17, strike "REASONABLY";
on page 2, lines 20, 24, 35, and 39 strike "WORK" and substitute "IMPROVEMENT";
on page 2, strike lines 28 and 29; and
on page 2, line 46 immediately following "NOTIFIED" insert "BY THE APPLICANT".

Seconded. CARRIED on voice vote.

Amendment No. 2:

Alderman Hammond moved to amend O-3-93 as follows:

On page 2, line 25 immediately following "CATEGORY" insert "OR TYPE".

Seconded. CARRIED on voice vote.

Amendment No. 3:

Alderman Hammond moved to amend O-3-93 as follows:

On page 2, line 32 immediately following "CONDITIONS" insert "AND STANDARDS AS SET FORTH IN TITLE 21.".

Seconded. DEFEATED on voice vote.

Amendment No. 4:

Alderman DeGraff moved to amend O-3-93 as follows:

On page 2, strike lines 35 through 37.

Seconded. A ROLL CALL vote was taken.

YEAS: Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, Turner, DeGraff, Moyer
NAYS: Aldermen Hammond, Johnson
CARRIED: 7-2

Alderman Snowden moved to adopt O-3-93 Amended on second reading. Seconded. A ROLL CALL vote was taken.

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden,
Turner, DeGraff, Moyer
CARRIED: 9-0

Alderman Snowden moved to adopt O-3-93 Amended on third reading. Seconded. CARRIED on voice vote.

3. **O-4-93** Sponsored by Alderman Hammond

For the purpose of establishing that a bed and breakfast home is not permitted in an attached single family home in the City of Annapolis; and all matters relating to said bed and breakfast home.

Alderman Snowden moved to adopt O-4-93. Seconded.

Alderman Hammond moved to amend O-4-93 as follows:

Amendment No. 1:

On page 2, line 9 insert the following:

A SINGLE FAMILY DETACHED DWELLING SHALL BE DEFINED FOR THE PURPOSES OF THIS SECTION AS A DWELLING WHICH SHARES NO PARTY WALLS WITH ANY OTHER DWELLING.

and on page 2, line 14, insert the following:

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall become null and void on October 11, 1993.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Turner
NAYS: Aldermen Gilmer, Gray, Snowden, DeGraff, Moyer
DEFEATED: 5-4

The main motion was DEFEATED on voice vote.

4. **O-5-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 1996, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

The Economic Matters and Finance Committees reported favorably on O-5-93.

Alderman Snowden moved to adopt O-5-93 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-5-93 on third reading. Seconded. CARRIED on voice vote.

5. **O-6-93** Sponsored by Alderman Snowden

For the purpose of establishing what voting devices shall be used in the City of Annapolis Municipal Elections; and all matters related to said voting devices.

Alderman Snowden moved to adopt O-6-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees and the Board of Supervisors of Election.

6. **O-11-93** Sponsored by Alderman Gilmer

For the purpose of establishing the Business Corridor Enhancement (BCE) District; and all matters relating to said District.

Alderman Gilmer moved to adopt O-11-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

7. **O-12-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the lease renewal of certain municipal property located at the City Dock to Captain Paul's Charters, for a certain period of time, at a certain rental and under certain terms and conditions, for the purpose of docking and mooring a certain boat; and all matters related to said lease.